

State of South Dakota

EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

400L0228

HOUSE BILL NO. 1012

Introduced by: The Committee on Judiciary at the request of the Department of Social Services

1 FOR AN ACT ENTITLED, An Act to establish certain penalties for the unauthorized
2 acquisition or transfer of food stamp benefits.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Any person who knowingly:

5 (1) Acquires, purchases, possesses, or uses any food stamp EBT card to obtain food
6 stamp benefits that the person is not entitled to;

7 (2) Transfers, sells, trades, gives, or otherwise disposes of any food stamp EBT card to
8 another person not entitled to receive or use it;

9 (3) Acquires, purchases, possesses, or uses any eligible goods purchased with a food
10 stamp EBT card that the person is not entitled to; or

11 (4) Transfers, sells, trades, gives, or otherwise disposes of any eligible goods purchased
12 with a food stamp EBT card to another person not entitled to receive it in exchange
13 for cash, services, drugs, weapons, alcoholic beverages, or any other item of value;

14 is guilty of unauthorized acquisition or transfer of food stamp benefits.

15 Section 2. Any person convicted of an offense under subdivision (1) or (2) of section 1 of



1 this Act for food stamp benefits with a value of two hundred dollars or less is guilty of a Class
2 1 misdemeanor. Any person convicted of an offense under subdivision (1) or (2) of section 1
3 of this Act for food stamp benefits with a value of more than two hundred dollars is guilty of
4 a Class 6 felony. Any person convicted of an offense under subdivision (3) or (4) of section 1
5 of this Act is guilty of a Class 1 misdemeanor.

6 Section 3. As used in this Act, the term, food stamp EBT card, means any card issued for
7 purchase of food pursuant to the Food Stamp Act of 1997, 7 U.S.C. 2011 to 2029, inclusive, in
8 effect on January 1, 2005.